

Introduced by Senator Leslie

February 26, 1997

An act to amend Section 66801 of the Government Code, relating to the Tahoe Regional Planning Compact.

LEGISLATIVE COUNSEL'S DIGEST

SB 815, as introduced, Leslie. Tahoe Regional Planning Compact: Transportation District.

Existing law, contained in the bistate Tahoe Regional Planning Compact, among other things, establishes the Tahoe Transportation District, as a special purpose district managed by a board of directors of 6 members appointed by local entities, as prescribed, and authorized to own and operate a public transportation system to the exclusion of all other publicly owned transportation systems in the region and to exercise specified related powers.

This bill would revise the compact to add 3 additional members to the board of directors of the district, as prescribed, and would make related changes. The bill would specify additional powers of the district and related matters.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 66801 of the Government Code
- 2 is amended to read:

1 66801. The provisions of this interstate compact
2 executed between the States of Nevada and California are
3 as follows:

4
5 TAHOE REGIONAL PLANNING COMPACT

6
7 ARTICLE I. FINDINGS AND DECLARATIONS OF
8 POLICY
9

10
11 (a) It is found and declared that:

12 (1) The waters of Lake Tahoe and other resources of
13 the region are threatened with deterioration or
14 degeneration, which endangers the natural beauty and
15 economic productivity of the region.

16 (2) The public and private interests and investments
17 in the region are substantial.

18 (3) The region exhibits unique environmental and
19 ecological values which are irreplaceable.

20 (4) By virtue of the special conditions and
21 circumstances of the region's natural ecology,
22 developmental pattern, population distribution and
23 human needs, the region is experiencing problems of
24 resource use and deficiencies of environmental control.

25 (5) Increasing urbanization is threatening the
26 ecological values of the region and threatening the public
27 opportunities for use of the public lands.

28 (6) Maintenance of the social and economic health of
29 the region depends on maintaining the significant scenic,
30 recreational, educational, scientific, natural and public
31 health values provided by the Lake Tahoe Basin.

32 (7) There is a public interest in protecting, preserving
33 and enhancing these values for the residents of the region
34 and for visitors to the region.

35 (8) Responsibilities for providing recreational and
36 scientific opportunities, preserving scenic and natural
37 areas, and safeguarding the public who live, work and
38 play in or visit the region are divided among local
39 governments, regional agencies, the States of California
40 and Nevada, and the federal government.

(9) In recognition of the public investment and multistate and national significance of the recreational values, the federal government has an interest in the acquisition of recreational property and the management of resources in the region to preserve environmental and recreational values, and the federal government should assist the states in fulfilling their responsibilities.

(10) In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region's natural endowment and its manmade environment.

(b) In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities.

(c) The Tahoe Regional Planning Agency shall interpret and administer its plans, ordinances, rules and regulations in accordance with the provisions of this compact.

ARTICLE II. DEFINITIONS

As used in this compact, the following terms have the following meanings:

(a) "Region," includes Lake Tahoe, the adjacent parts of Douglas and Washoe Counties and Carson City, which for the purposes of this compact shall be deemed a county, lying within the Tahoe Basin in the State of Nevada, and the adjacent parts of the Counties of Placer and El Dorado lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside of the Tahoe Basin in the State of California which lies southward and eastward of a line

1 starting at the intersection of the basin crestline and the
2 north boundary of Section 1, thence west to the northwest
3 corner of Section 3, thence south to the intersection of the
4 basin crestline and the west boundary of Section 10; all
5 sections referring to Township 15 North, Range 16 East,
6 M.D.B. & M. The region defined and described herein
7 shall be as precisely delineated on official maps of the
8 agency.

9 (b) “Agency” means the Tahoe Regional Planning
10 Agency.

11 (c) “Governing body” means the governing board of
12 the Tahoe Regional Planning Agency.

13 (d) “Regional plan” means the long-term general plan
14 for the development of the region.

15 (e) “Planning commission” means the advisory
16 planning commission appointed pursuant to subdivision
17 (h) of Article III.

18 (f) “Gaming” means to deal, operate, carry on,
19 conduct, maintain or expose for play any banking or
20 percentage game played with cards, dice or any
21 mechanical device or machine for money, property,
22 checks, credit or any representative of value, including,
23 without limiting the generality of the foregoing, faro,
24 monte, roulette, keno, bingo, fan-tan, twenty-one,
25 blackjack, seven-and-a-half, big injun, klondike, craps,
26 stud poker, draw poker or slot machine, but does not
27 include social games played solely for drinks, or cigars or
28 cigarettes served individually, games played in private
29 homes or residences for prizes or games operated by
30 charitable or educational organizations, to the extent
31 excluded by applicable state law.

32 (g) “Restricted gaming license” means a license to
33 operate not more than 15 slot machines on which a
34 quarterly fee is charged pursuant to NRS 463.373 and no
35 other games.

36 (h) “Project” means an activity undertaken by any
37 person, including any public agency, if the activity may
38 substantially affect the land, water, air, space or any other
39 natural resources of the region.



(i) “Environmental threshold carrying capacity” means an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region. Such standards shall include but not be limited to standards for air quality, water quality, soil conservation, vegetation preservation and noise.

(j) “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

(k) “Areas open to public use” means all of the areas within a structure housing gaming under a nonrestricted license except areas devoted to the private use of guests.

(l) “Areas devoted to private use of guests” means hotel rooms and hallways to serve hotel room areas, and any parking areas. A hallway serves hotel room areas if more than 50 percent of the areas of each side of the hallway are hotel rooms.

(m) “Nonrestricted license” means a gaming license which is not a restricted gaming license.

ARTICLE III. ORGANIZATION

(a) There is created the Tahoe Regional Planning Agency as a separate legal entity.

The governing body of the agency shall be constituted as follows:

(1) California delegation:

(A) One member appointed by each of the County Boards of Supervisors of the Counties of El Dorado and Placer and one member appointed by the City Council of the City of South Lake Tahoe. Any such member may be a member of the county board of supervisors or city council, respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

1 (B) Two members appointed by the Governor of
2 California, one member appointed by the Speaker of the
3 Assembly of California and one member appointed by the
4 Senate Rules Committee of the State of California. The
5 members appointed pursuant to this subparagraph shall
6 not be residents of the region and shall represent the
7 public at large within the State of California. A member
8 appointed by the Speaker of the Assembly or the Senate
9 Rules Committee may, subject to confirmation by his or
10 her appointing power, designate an alternate to attend
11 meetings and vote in the absence of the appointed
12 member. The designation of a named alternate, which
13 shall be in writing and contain evidence of confirmation
14 by the appointing power, shall be kept on file with the
15 agency. An appointed member may change his or her
16 alternate from time to time, with the confirmation of the
17 appointing power, but shall have only one designated
18 alternate at a time. An alternate shall be subject to those
19 qualifications and requirements prescribed by this
20 compact that are applicable to the appointed member.

21 (2) Nevada delegation:

22 (A) One member appointed by each of the boards of
23 county commissioners of Douglas and Washoe Counties
24 and one member appointed by the Board of Supervisors
25 of Carson City. Any such member may be a member of
26 the board of county commissioners or board of
27 supervisors, respectively, and shall reside in the territorial
28 jurisdiction of the governmental body making the
29 appointment.

30 (B) Two members appointed by the Governor of
31 Nevada, one member appointed by the Speaker of the
32 Assembly and one member appointed by the Majority
33 Leader of the Nevada Senate. All members appointed
34 pursuant to this subparagraph shall not be residents of the
35 region and shall represent the public at large within the
36 State of Nevada. A member appointed by the Speaker of
37 the Nevada Assembly or the Majority Leader of the
38 Nevada Senate may, subject to confirmation by his or her
39 appointing power, designate an alternate to attend
40 meetings and vote in the absence of the appointed



1 member. The designation of a named alternate, which
2 shall be in writing and contain evidence of confirmation
3 by the appointing power, shall be kept on file with the
4 agency. An appointed member may change his or her
5 alternate from time to time, with the confirmation of the
6 appointing power, but shall have only one designated
7 alternate at a time. An alternate shall be subject to those
8 qualifications and requirements prescribed by this
9 compact that are applicable to the appointed member.

10 (3) If any appointing authority under paragraph
11 (1)(A), (1)(B), (2)(A) or (2)(B) fails to make such an
12 appointment within 60 days after the effective date of the
13 amendments to this compact or the occurrence of a
14 vacancy on the governing body, the governor of the state
15 in which the appointing authority is located shall make
16 the appointment. The term of any member so appointed
17 shall be 1 year.

18 (4) The position of any member of the governing body
19 shall be deemed vacant if such a member is absent from
20 three consecutive meetings of the governing body in any
21 calendar year.

22 (5) Each member and employee of the agency shall
23 disclose his economic interests in the region within 10
24 days after taking his seat on the governing board or being
25 employed by the agency and shall thereafter disclose any
26 further economic interest which he acquires, as soon as
27 feasible after he acquires it. As used in this paragraph,
28 “economic interests” means:

29 (A) Any business entity operating in the region in
30 which the member or employee has a direct or indirect
31 investment worth more than one thousand dollars
32 (\$1,000).

33 (B) Any real property located in the region in which
34 the member or employee has a direct or indirect interest
35 worth more than one thousand dollars (\$1,000).

36 (C) Any source of income attributable to activities in
37 the region, other than loans by or deposits with a
38 commercial lending institution in the regular course of
39 business, aggregating two hundred fifty dollars (\$250) or

1 more in value received by or promised to the member
2 within the preceding 12 months; or

3 (D) Any business entity operating in the region in
4 which the member or employee is a director, officer,
5 partner, trustee, employee or holds any position of
6 management.

7 No member or employee of the agency shall make, or
8 attempt to influence, an agency decision in which he
9 knows or has reason to know he has an economic interest.
10 Members and employees of the agency must disqualify
11 themselves from making or participating in the making
12 of any decision of the agency when it is reasonably
13 foreseeable that the decision will have a material financial
14 effect, distinguishable from its effect on the public
15 generally, on the economic interests of the member or
16 employee.

17 (b) The members of the agency shall serve without
18 compensation, but the expenses of each member shall be
19 met by the body which he represents in accordance with
20 the law of that body. All other expenses incurred by the
21 governing body in the course of exercising the powers
22 conferred upon it by this compact unless met in some
23 other manner specifically provided, shall be paid by the
24 agency out of its own funds.

25 (c) The members of the governing body serve at the
26 pleasure of the appointing authority in each case, but
27 each appointment shall be reviewed no less often than
28 every 4 years. Members may be reappointed.

29 (d) The governing body of the agency shall meet at
30 least monthly. All meetings shall be opened to the public
31 to the extent required by the law of the State of California
32 or the State of Nevada, whichever imposes the greater
33 requirement, applicable to local governments at the time
34 such meeting is held. The governing body shall fix a date
35 for its regular monthly meeting in such terms as "the first
36 Monday of each month," and shall not change such date
37 more often than once in any calendar year. Notice of the
38 date so fixed shall be given by publication at least once in
39 a newspaper or combination of newspapers whose
40 circulation is general throughout the region and in each

1 county a portion of whose territory lies within the region.
2 Notice of any special meeting, except an emergency
3 meeting, shall be given by so publishing the date and
4 place and posting an agenda at least 5 days prior to the
5 meeting.

6 (e) The position of a member of the governing body
7 shall be considered vacated upon his loss of any of the
8 qualifications required for his appointment and in such
9 event the appointing authority shall appoint a successor.

10 (f) The governing body shall elect from its own
11 members a chairman and vice chairman, whose terms of
12 office shall be 2 years, and who may be reelected. If a
13 vacancy occurs in either office, the governing body may
14 fill such vacancy for the unexpired term.

15 (g) Four of the members of the governing body from
16 each state constitute a quorum for the transaction of the
17 business of the agency. The voting procedures shall be as
18 follows:

19 (1) For adopting, amending or repealing
20 environmental threshold carrying capacities, the
21 regional plan, and ordinances, rules and regulations, and
22 for granting variances from the ordinances, rules and
23 regulations, the vote of at least four of the members of
24 each state agreeing with the vote of at least four members
25 of the other state shall be required to take action. If there
26 is no vote of at least four of the members from one state
27 agreeing with the vote of at least four of the members of
28 the other state on the actions specified in this paragraph,
29 an action of rejection shall be deemed to have been taken.

30 (2) For approving a project, the affirmative vote of at
31 least five members from the state in which the project is
32 located and the affirmative vote of at least nine members
33 of the governing body are required. If at least five
34 members of the governing body from the state in which
35 the project is located and at least nine members of the
36 entire governing body do not vote in favor of the project,
37 upon a motion for approval, an action of rejection shall be
38 deemed to have been taken. A decision by the agency to
39 approve a project shall be supported by a statement of
40 findings, adopted by the agency, which indicates that the

1 project complies with the regional plan and with
2 applicable ordinances, rules and regulations of the
3 agency.

4 (3) For routine business and for directing the agency's
5 staff on litigation and enforcement actions, at least eight
6 members of the governing body must agree to take
7 action. If at least eight votes in favor of such action are not
8 cast, an action of rejection shall be deemed to have been
9 taken.

10 Whenever under the provisions of this compact or any
11 ordinance, rule, regulation or policy adopted pursuant
12 thereto, the agency is required to review or approve any
13 project, public or private, the agency shall take final
14 action by vote, whether to approve, to require
15 modification or to reject such project, within 180 days
16 after the application for such project is accepted as
17 complete by the agency in compliance with the agency's
18 rules and regulations governing such delivery unless the
19 applicant has agreed to an extension of this time limit. If
20 a final action by vote does not take place within 180 days,
21 the applicant may bring an action in a court of competent
22 jurisdiction to compel a vote unless he has agreed to an
23 extension. This provision does not limit the right of any
24 person to obtain judicial review of agency action under
25 subdivision (h) of Article VI. The vote of each member
26 of the governing body shall be individually recorded. The
27 governing body shall adopt its own rules, regulations and
28 procedures.

29 (h) An advisory planning commission shall be
30 appointed by the agency. The commission shall include:
31 the chief planning officers of Placer County, El Dorado
32 County, and the City of South Lake Tahoe in California
33 and of Douglas County, Washoe County and Carson City
34 in Nevada, the executive officer of the Lahontan Regional
35 Water Quality Control Board of the State of California,
36 the executive officer of the Air Resources Board of the
37 State of California, the Director of the State Department
38 of Conservation and Natural Resources of the State of
39 Nevada, the Administrator of the Division of
40 Environmental Protection in the State Department of



1 Conservation and Natural Resources of the State of
2 Nevada, the Administrator of the Lake Tahoe
3 Management Unit of the United States Forest Service,
4 and at least four lay members with an equal number from
5 each state, at least half of whom shall be residents of the
6 region. Any official member may designate an alternate.

7 The term of office of each lay member of the advisory
8 planning commission shall be 2 years. Members may be
9 reappointed.

10 The position of each member of the advisory planning
11 commission shall be considered vacated upon loss of any
12 of the qualifications required for appointment, and in
13 such an event the appointing authority shall appoint a
14 successor.

15 The advisory planning commission shall elect from its
16 own members a chairman and a vice chairman, whose
17 terms of office shall be 2 years and who may be reelected.
18 If a vacancy occurs in either office, the advisory planning
19 commission shall fill such vacancy for the unexpired term.

20 A majority of the members of the advisory planning
21 commission constitutes a quorum for the transaction of
22 the business of the commission. A majority vote of the
23 quorum present shall be required to take action with
24 respect to any matter.

25 (i) The agency shall establish and maintain an office
26 within the region, and for this purpose the agency may
27 rent or own property and equipment. Every plan,
28 ordinance and other record of the agency which is of such
29 nature as to constitute a public record under the law of
30 either the State of California or the State of Nevada shall
31 be opened to inspection and copying during regular
32 office hours.

33 (j) Each authority charged under this compact or by
34 the law of either state with the duty of appointing a
35 member of the governing body of the agency shall by
36 certified copy of its resolution or other action notify the
37 Secretary of State of its own state of the action taken.

38



ARTICLE IV. PERSONNEL

(a) The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and shall employ such other staff and legal counsel as may be necessary to execute the powers and functions provided for under this compact or in accordance with any intergovernmental contracts or agreements the agency may be responsible for administering.

(b) Agency personnel standards and regulations shall conform insofar as possible to the regulations and procedures of the civil service of the State of California or the State of Nevada, as may be determined by the governing body of the agency; and shall be regional and bistate in application and effect; provided that the governing body may, for administrative convenience and at its discretion, assign the administration of designated personnel arrangements to an agency of either state, and provided that administratively convenient adjustments be made in the standards and regulations governing personnel assigned under intergovernmental agreements.

(c) The agency may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the agency terms and conditions of employment similar to those enjoyed by employees of California and Nevada generally.

ARTICLE V. PLANNING

(a) In preparing each of the plans required by this article and each amendment thereto, if any, subsequent to its adoption, the planning commission after due notice shall hold at least one public hearing which may be continued from time to time, and shall review the testimony and any written recommendations presented

1 at such hearing before recommending the plan or
2 amendment. The notice required by this subdivision shall
3 be given at least 20 days prior to the public hearing by
4 publication at least once in a newspaper or combination
5 of newspapers whose circulation is general throughout
6 the region and in each county a portion of whose territory
7 lies within the region.

8 The planning commission shall then recommend such
9 plan or amendment to the governing body for adoption
10 by ordinance. The governing body may adopt, modify or
11 reject the proposed plan or amendment, or may initiate
12 and adopt a plan or amendment without referring it to
13 the planning commission. If the governing body initiates
14 or substantially modifies a plan or amendment, it shall
15 hold at least one public hearing thereon after due notice
16 as required in this subdivision.

17 If a request is made for the amendment of the regional
18 plan by:

19 (1) A political subdivision a part of whose territory
20 would be affected by such amendment; or

21 (2) The owner or lessee of real property which would
22 be affected by such amendment, the governing body shall
23 complete its action on such amendment within 180 days
24 after such request is accepted as complete according to
25 standards which must be prescribed by ordinance of the
26 agency.

27 (b) The agency shall develop, in cooperation with the
28 States of California and Nevada, environmental threshold
29 carrying capacities for the region. The agency should
30 request the President's Council on Environmental
31 Quality, the United States Forest Service and other
32 appropriate agencies to assist in developing such
33 environmental threshold carrying capacities. Within 18
34 months after the effective date of the amendments to this
35 compact, the agency shall adopt environmental threshold
36 carrying capacities for the region.

37 (c) Within 1 year after the adoption of the
38 environmental threshold carrying capacities for the
39 region, the agency shall amend the regional plan so that,
40 at a minimum, the plan and all of its elements, as

1 implemented through agency ordinances, rules and
2 regulations, achieves and maintains the adopted
3 environmental threshold carrying capacities. Each
4 element of the plan shall contain implementation
5 provisions and time schedules for such implementation
6 by ordinance. The planning commission and governing
7 body shall continuously review and maintain the regional
8 plan. The regional plan shall consist of a diagram, or
9 diagrams, and text, or texts setting forth the projects and
10 proposals for implementation of the regional plan, a
11 description of the needs and goals of the region and a
12 statement of the policies, standards and elements of the
13 regional plan.

14 The regional plan shall be a single enforceable plan and
15 include all of the following correlated elements:

16 (1) A land use plan for the integrated arrangement
17 and general location and extent of, and the criteria and
18 standards for, the uses of land, water, air, space and other
19 natural resources within the region, including but not
20 limited to, an indication or allocation of maximum
21 population densities and permitted uses.

22 (2) A transportation plan for the integrated
23 development of a regional system of transportation,
24 including but not limited to parkways, highways,
25 transportation facilities, transit routes, waterways,
26 navigation facilities, public transportation facilities,
27 bicycle facilities, and appurtenant terminals and facilities
28 for the movement of people and goods within the region.
29 The goal of transportation planning shall be:

30 (A) To reduce dependency on the automobile by
31 making more effective use of existing transportation
32 modes and of public transit to move people and goods
33 within the region ~~and~~.

34 (B) To reduce to the extent feasible air pollution
35 which is caused by motor vehicles.

36 Where increases in capacity are required, the agency
37 shall give preference to providing such capacity through
38 public transportation and public programs and projects
39 related to transportation. The agency shall review and



1 consider all existing transportation plans in preparing its
2 regional transportation plan pursuant to this paragraph.

3 The plan shall provide for an appropriate transit system
4 for the region.

5 The plan shall give consideration to:

6 (A) Completion of the Loop Road in the States of
7 Nevada and California;

8 (B) Utilization of a light rail mass transit system in the
9 South Shore area; and

10 (C) Utilization of a transit terminal in the Kingsbury
11 Grade area.

12 Until the regional plan is revised, or a new
13 transportation plan is adopted in accordance with this
14 paragraph, the agency has no effective transportation
15 plan.

16 (3) A conservation plan for the preservation,
17 development, utilization, and management of the scenic
18 and other natural resources within the basin, including
19 but not limited to, soils, shoreline and submerged lands,
20 scenic corridors along transportation routes, open spaces,
21 recreational and historical facilities.

22 (4) A recreation plan for the development, utilization,
23 and management of the recreational resources of the
24 region, including but not limited to, wilderness and
25 forested lands, parks and parkways, riding and hiking
26 trails, beaches and playgrounds, marinas, areas for skiing
27 and other recreational facilities.

28 (5) A public services and facilities plan for the general
29 location, scale and provision of public services and
30 facilities, which, by the nature of their function, size,
31 extent and other characteristics are necessary or
32 appropriate for inclusion in the regional plan.

33 In formulating and maintaining the regional plan, the
34 planning commission and governing body shall take
35 account of and shall seek to harmonize the needs of the
36 region as a whole, the plans of the counties and cities
37 within the region, the plans and planning activities of the
38 state, federal and other public agencies and
39 nongovernmental agencies and organizations which

1 affect or are concerned with planning and development
2 within the region.

3 (d) The regional plan shall provide for attaining and
4 maintaining federal, state, or local air and water quality
5 standards, whichever are strictest, in the respective
6 portions of the region for which the standards are
7 applicable.

8 The agency may, however, adopt air or water quality
9 standards or control measures more stringent than the
10 applicable state implementation plan or the applicable
11 federal, state, or local standards for the region, if it finds
12 that such additional standards or control measures are
13 necessary to achieve the purposes of this compact. Each
14 element of the regional plan, where applicable, shall, by
15 ordinance, identify the means and time schedule by
16 which air and water quality standards will be attained.

17 (e) Except for the Regional Transportation Plan of the
18 California Tahoe Regional Planning Agency, the regional
19 plan, ordinances, rules and regulations adopted by the
20 California Tahoe Regional Planning Agency in effect on
21 July 1, 1980, shall be the regional plan, ordinances, rules
22 and regulations of the Tahoe Regional Planning Agency
23 for that portion of the Tahoe region located in the State
24 of California. Such plan, ordinance, rule or regulation
25 may be amended or repealed by the governing body of
26 the agency. The plans, ordinances, rules and regulations
27 of the Tahoe Regional Planning Agency that do not
28 conflict with, or are not addressed by, the California
29 Tahoe Regional Planning Agency's plans, ordinances,
30 rules and regulations referred to in this subdivision shall
31 continue to be applicable unless amended or repealed by
32 the governing body of the agency. No provision of the
33 regional plan, ordinances, rules and regulations of the
34 California Tahoe Regional Planning Agency referred to
35 in this subdivision shall apply to that portion of the region
36 within the State of Nevada, unless such provision is
37 adopted for the Nevada portion of the region by the
38 governing body of the agency.



1 (f) The regional plan, ordinances, rules and
2 regulations of the Tahoe Regional Planning Agency apply
3 to that portion of the region within the State of Nevada.

4 (g) The agency shall adopt ordinances prescribing
5 specific written findings that the agency must make prior
6 to approving any project in the region. These findings
7 shall relate to environmental protection and shall insure
8 that the project under review will not adversely affect
9 implementation of the regional plan and will not cause
10 the adopted environmental threshold carrying capacities
11 of the region to be exceeded.

12 (h) The agency shall maintain the data, maps and
13 other information developed in the course of formulating
14 and administering the regional plan, in a form suitable to
15 assure a consistent view of developmental trends and
16 other relevant information for the availability of and use
17 by other agencies of government and by private
18 organizations and individuals concerned.

19 (i) Where necessary for the realization of the regional
20 plan, the agency may engage in collaborative planning
21 with local governmental jurisdictions located outside the
22 region, but contiguous to its boundaries. In formulating
23 and implementing the regional plan, the agency shall
24 seek the cooperation and consider the recommendations
25 of counties and cities and other agencies of local
26 government, of state and federal agencies, of educational
27 institutions and research organizations, whether public
28 or private, and of civic groups and private persons.

29
30 ARTICLE VI. AGENCY'S POWERS
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32

33 (a) The governing body shall adopt all necessary
34 ordinances, rules, and regulations to effectuate the
35 adopted regional plan. Except as otherwise provided in
36 this compact, every such ordinance, rule or regulation
37 shall establish a minimum standard applicable
38 throughout the region. Any political subdivision or public
39 agency may adopt and enforce an equal or higher
40 requirement applicable to the same subject of regulation

1 in its territory. The regulations of the agency shall contain
2 standards including but not limited to the following:
3 water purity and clarity; subdivision; zoning; tree
4 removal; solid waste disposal; sewage disposal; land fills,
5 excavations, cuts and grading; piers, harbors, breakwaters
6 or channels and other shoreline developments; waste
7 disposal in shoreline areas; waste disposal from boats;
8 mobile-home parks; house relocation; outdoor
9 advertising; flood plain protection; soil and sedimentation
10 control; air pollution; and watershed protection.
11 Whenever possible without diminishing the effectiveness
12 of the regional plan, the ordinances, rules, regulations and
13 policies shall be confined to matters which are general
14 and regional in application, leaving to the jurisdiction of
15 the respective states, counties and cities the enactment of
16 specific and local ordinances, rules, regulations and
17 policies which conform to the regional plan.

18 The agency shall prescribe by ordinance those
19 activities which it has determined will not have
20 substantial effect on the land, water, air, space or any
21 other natural resources in the region and therefore will
22 be exempt from its review and approval.

23 Every ordinance adopted by the agency shall be
24 published at least once by title in a newspaper or
25 combination of newspapers whose circulation is general
26 throughout the region. Except an ordinance adopting or
27 amending the regional plan, no ordinance shall become
28 effective until 60 days after its adoption. Immediately
29 after its adoption, a copy of each ordinance shall be
30 transmitted to the governing body of each political
31 subdivision having territory within the region.

32 (b) No project other than those to be reviewed and
33 approved under the special provisions of subdivisions (d),
34 (e), (f) and (g) may be developed in the region without
35 obtaining the review and approval of the agency and no
36 project may be approved unless it is found to comply with
37 the regional plan and with the ordinances, rules and
38 regulations enacted pursuant to subdivision (a) to
39 effectuate that plan.

1 The agency may approve a project in the region only
2 after making the written findings required by this
3 subdivision or subdivision (g) of Article V. Such findings
4 shall be based on substantial evidence in the record.

5 Before adoption by the agency of the ordinances
6 required in subdivision (g) of Article V, the agency may
7 approve a project in the region only after making written
8 findings on the basis of substantial evidence in the record
9 that the project is consistent with the regional plan then
10 in effect and with applicable plans, ordinances,
11 regulations and standards of federal and state agencies
12 relating to the protection, maintenance and
13 enhancement of environmental quality in the region.

14 (c) The Legislatures of the States of California and
15 Nevada find that in order to make effective the regional
16 plan as revised by the agency, it is necessary to halt
17 temporarily works of development in the region which
18 might otherwise absorb the entire capability of the region
19 for further development or direct it out of harmony with
20 the ultimate plan. Subject to the limitation provided in
21 this subdivision, from the effective date of the
22 amendments to this compact until the regional plan is
23 amended pursuant to subdivision (c) of Article V, or until
24 May 1, 1983, whichever is earlier:

25 (1) Except as otherwise provided in this paragraph, no
26 new subdivision, planned unit development, or
27 condominium project may be approved unless a
28 complete tentative map or plan has been approved
29 before the effective date of the amendments to this
30 compact by all agencies having jurisdiction. The
31 subdivision of land owned by a general improvement
32 district, which existed and owned the land before the
33 effective date of the amendments to this compact, may be
34 approved if subdivision of the land is necessary to avoid
35 insolvency of the district.

36 (2) Except as provided in paragraph (3), no
37 apartment building may be erected unless the required
38 permits for such building have been secured from all
39 agencies having jurisdiction, prior to the effective date of
40 the amendments to this compact.

1 (3) During each of the calendar years 1980, 1981, and
2 1982 no city or county may issue building permits which
3 authorize the construction of a greater number of new
4 residential units within the region than were authorized
5 within the region by building permits issued by that city
6 or county during calendar year 1978. For the period of
7 January through April, 1983 building permits authorizing
8 the construction of no more than 1/3 of that number may
9 be issued by each such city or county. For purposes of this
10 paragraph a “residential unit” means either a single
11 family residence or an individual residential unit within
12 a larger building, such as an apartment building, a duplex
13 or a condominium.

14 The Legislatures find the respective numbers of
15 residential units authorized within the region during
16 calendar year 1978 to be as follows:

17

18 1. City of South Lake Tahoe and El Dorado County	
19 (combined)	252
20 2. Placer County	278
21 3. Carson City	0
22 4. Douglas County	339
23 5. Washoe County	739

24

25 (4) During each of the calendar years 1980, 1981 and
26 1982, no city or county may issue building permits which
27 authorize construction of a greater square footage of new
28 commercial buildings within the region than were
29 authorized within the region by building permits for
30 commercial purposes issued by that city or county during
31 the calendar year 1978. For the period of January through
32 April, 1983 building permits authorizing the construction
33 of no more than 1/3 the amount of that square footage
34 may be issued by each such city or county.

35 The Legislatures find the respective square footages of
36 commercial buildings authorized within the region
37 during calendar year 1978 to be as follows:

38

1	1. City of South Lake Tahoe and El Dorado County	
2	(combined)	64,324
3	2. Placer County	23,000
4	3. Carson City	0
5	4. Douglas County	57,354
6	5. Washoe County	50,600

7
8 (5) No structure may be erected to house gaming
9 under a nonrestricted license.

10 (6) No facility for the treatment of sewage may be
11 constructed or enlarged except:

12 (A) To comply, as ordered by the appropriate state
13 agency for the control of water pollution, with existing
14 limitations of effluence under the Clean Water Act, 33
15 U.S.C. S1251 et seq., and the applicable state law for
16 control of water pollution; or

17 (B) To accommodate development which is not
18 prohibited or limited by this subdivision; or

19 (C) In the case of Douglas County Sewer District #1,
20 to modify or otherwise alter sewage treatment facilities
21 existing on the effective date of the amendments to this
22 compact so that such facilities will be able to treat the
23 total volume of effluence for which they were originally
24 designed which is 3.0 mgd. Such modification or
25 alteration is not a “project”; is not subject to the
26 requirements of Article VII; and does not require a
27 permit from the agency. Before commencing such
28 modification or alternative, however, the district shall
29 submit to the agency its report identifying any significant
30 soil erosion problems which may be caused by such
31 modifications or alterations and the measures which the
32 district proposes to take to mitigate or avoid such
33 problems.

34 The moratorium imposed by this subdivision does not
35 apply to work done pursuant to a right vested before the
36 effective date of the amendments to this compact.
37 Notwithstanding the expiration date of the moratorium
38 imposed by this subdivision, no new highway may be built
39 or existing highway widened to accommodate additional

1 continuous lanes for automobiles until the regional
2 transportation plan is revised and adopted.

3 The moratorium imposed by this subdivision does not
4 apply to the construction of any parking garage which has
5 been approved by the agency prior to May 4, 1979,
6 whether that approval was affirmative or by default. The
7 provisions of this paragraph are not an expression of
8 legislative intent that any such parking garage, the
9 approval of which is the subject of litigation which was
10 pending on the effective date of the amendments to this
11 compact, should, or should not, be constructed. The
12 provisions of this paragraph are intended solely to permit
13 construction of such a parking garage if judgment
14 sustaining the agency's approval to construct that parking
15 garage has become final and no appeal is pending or may
16 lawfully be taken to a higher court.

17 (d) Subject to the final order of any court of
18 competent jurisdiction entered in litigation contesting
19 the validity of an approval by the Tahoe Regional
20 Planning Agency, whether that approval was affirmative
21 or by default, if that litigation was pending on May 4, 1979,
22 the agency and the States of California and Nevada shall
23 recognize as a permitted and conforming use:

24 (1) Every structure housing gaming under a
25 nonrestricted license which existed as a licensed gaming
26 establishment on May 4, 1979, or whose construction was
27 approved by the Tahoe Regional Planning Agency
28 affirmatively or deemed approved before that date. The
29 construction or use of any structure to house gaming
30 under a nonrestricted license not so existing or approved,
31 or the enlargement in cubic volume of any such existing
32 or approved structure is prohibited.

33 (2) Every other nonrestricted gaming establishment
34 whose use was seasonal and whose license was issued
35 before May 4, 1979, for the same season and for the
36 number and type of games and slot machines on which
37 taxes or fees were paid in the calendar year 1978.

38 (3) Gaming conducted pursuant to a restricted
39 gaming license issued before May 4, 1979, to the extent
40 permitted by that license on that date. The area within

1 any structure housing gaming under a nonrestricted
2 license which may be open to public use (as distinct from
3 that devoted to the private use of guests and exclusive of
4 any parking area) is limited to the area existing or
5 approved for public use on May 4, 1979. Within these
6 limits, any external modification of the structure which
7 requires a permit from a local government also requires
8 approval from the agency. The agency shall not permit
9 restaurants, convention facilities, showrooms or other
10 public areas to be constructed elsewhere in the region
11 outside the structure in order to replace areas existing or
12 approved for public use on May 4, 1979.

13 (e) Any structure housing licensed gaming may be
14 rebuilt or replaced to a size not to exceed the cubic
15 volume, height and land coverage existing or approved
16 on May 4, 1979, without the review or approval of the
17 agency or any planning or regulatory authority of the
18 State of Nevada whose review or approval would be
19 required for a new structure.

20 (f) The following provisions apply to any internal or
21 external modification, remodeling, change in use, or
22 repair of a structure housing gaming under a
23 nonrestricted license which is not prohibited by
24 subdivision (d):

25 (1) The agency's review of an external modification of
26 the structure which requires a permit from a local
27 government is limited to determining whether the
28 external modification will do any of the following:

29 (A) Enlarge the cubic volume of the structure;

30 (B) Increase the total square footage of area open to
31 or approved for public use on May 4, 1979;

32 (C) Convert an area devoted to the private use of
33 guests to an area open to public use;

34 (D) Increase the public area open to public use which
35 is used for gaming beyond the limits contained in
36 paragraph (3); and

37 (E) Conflict with or be subject to the provisions of any
38 of the agency's ordinances that are generally applicable
39 throughout the region.

1 The agency shall make this determination within 60
2 days after the proposal is delivered to the agency in
3 compliance with the agency's rules or regulations
4 governing such delivery unless the applicant has agreed
5 to an extension of this time limit. If an external
6 modification is determined to have any of the effects
7 enumerated in subparagraphs (A) through (C), it is
8 prohibited. If an external modification is determined to
9 have any of the effects enumerated in subparagraphs (D)
10 or (E), it is subject to the applicable provisions of this
11 compact. If an external modification is determined to
12 have no such effect, it is not subject to the provisions of
13 this compact.

14 (2) Except as provided in paragraph (3), internal
15 modification, remodeling, change in use or repair of a
16 structure housing gaming under a nonrestricted license
17 is not a project and does not require the review or
18 approval of the agency.

19 (3) Internal modification, remodeling, change in use
20 or repair of areas open to the public use within a structure
21 housing gaming under a nonrestricted license which
22 alone or in combination with any other such modification,
23 remodeling, change in use or repair will increase the total
24 portion of those areas which are used for gaming by more
25 than the product of the total base area, as defined below,
26 in square feet existing on or approved before August 4,
27 1980, multiplied by 15 percent constitutes a project and
28 is subject to all of the provisions of this compact relating
29 to projects. For purposes of this paragraph and the
30 determination required by subdivision (g), base area
31 means all of the area within a structure housing gaming
32 under a nonrestricted license which may be open to
33 public use, whether or not gaming is actually conducted
34 or carried on in that area, except retail stores, convention
35 centers and meeting rooms, administrative offices,
36 kitchens, maintenance and storage areas, rest rooms,
37 engineering and mechanical rooms, accounting rooms
38 and counting rooms.

39 (g) In order to administer and enforce the provisions
40 of subdivisions (d), (e) and (f), the State of Nevada,

1 through its appropriate planning or regulatory agency,
2 shall require the owner or licensee of a structure housing
3 gaming under a nonrestricted license to provide:

4 (1) Documents containing sufficient information for
5 the Nevada agency to establish the following relative to
6 the structure:

7 (A) The location of its external walls;

8 (B) Its total cubic volume;

9 (C) Within its external walls, the area in square feet
10 open or approved for public use and the area in square
11 feet devoted to or approved for the private use of guests
12 on May 4, 1979;

13 (D) The amount of surface area of land under the
14 structure; and

15 (E) The base area as defined in paragraph (3) of
16 subdivision (f) in square feet existing on or approved
17 before August 4, 1980.

18 (2) An informational report whenever any internal
19 modification, remodeling, change in use, or repair will
20 increase the total portion of the areas open to public use
21 which is used for gaming.

22 The Nevada agency shall transmit this information to
23 the Tahoe Regional Planning Agency.

24 (h) Gaming conducted pursuant to a restricted
25 gaming license is exempt from review by the agency if it
26 is incidental to the primary use of the premises.

27 (i) The provisions of subdivisions (d) and (e) are
28 intended only to limit gaming and related activities as
29 conducted within a gaming establishment, or
30 construction designed to permit the enlargement of such
31 activities, and not to limit any other use of property zoned
32 for commercial use or the accommodation of tourists, as
33 approved by the agency.

34 (j) Legal actions arising out of or alleging a violation of
35 the provisions of this compact, of the regional plan or of
36 an ordinance or regulation of the agency or of a permit
37 or a condition of a permit issued by the agency are
38 governed by the following provisions:

39 (1) This subdivision applies to:

1 (A) Actions arising out of activities directly
2 undertaken by the agency.

3 (B) Actions arising out of the issuance to a person of a
4 lease, permit, license or other entitlement for use by the
5 agency.

6 (C) Actions arising out of any other act or failure to act
7 by any person or public agency.

8 Such legal actions may be filed and the provisions of this
9 subdivision apply equally in the appropriate courts of
10 California and Nevada and of the United States.

11 (2) Venue lies:

12 (A) If a civil or criminal action challenges an activity
13 by the agency or any person which is undertaken or to be
14 undertaken upon a parcel of real property, in the state or
15 federal judicial district where the real property is
16 situated.

17 (B) If an action challenges an activity which does not
18 involve a specific parcel of land (such as an action
19 challenging an ordinance of the agency), in any state or
20 federal court having jurisdiction within the region.

21 (3) Any aggrieved person may file an action in an
22 appropriate court of the State of California or Nevada or
23 of the United States alleging noncompliance with the
24 provisions of this compact or with an ordinance or
25 regulation of the agency. In the case of governmental
26 agencies, “aggrieved person” means the Tahoe Regional
27 Planning Agency or any state, federal or local agency. In
28 the case of any person other than a governmental agency
29 who challenges an action of the Tahoe Regional Planning
30 Agency, “aggrieved person” means any person who has
31 appeared, either in person, through an authorized
32 representative, or in writing, before the agency at an
33 appropriate administrative hearing to register objection
34 to the action which is being challenged, or who had good
35 cause for not making such an appearance.

36 (4) A legal action arising out of the adoption or
37 amendment of the regional plan or of any ordinance or
38 regulation of the agency, or out of the granting or denial
39 of any permit, shall be commenced within 60 days after
40 final action by the agency. All other legal actions shall be



1 commenced within 65 days after discovery of the cause of
2 action.

3 (5) In any legal action filed pursuant to this subdivision
4 which challenges an adjudicatory act or decision of the
5 agency to approve or disapprove a project, the scope of
6 judicial inquiry shall extend only to whether there was
7 prejudicial abuse of discretion. Prejudicial abuse of
8 discretion is established if the agency has not proceeded
9 in a manner required by law or if the act or decision of the
10 agency was not supported by substantial evidence in light
11 of the whole record. In making such a determination the
12 court shall not exercise its independent judgment on
13 evidence but shall only determine whether the act or
14 decision was supported by substantial evidence in light of
15 the whole record. In any legal action filed pursuant to this
16 subdivision which challenges a legislative act or decision
17 of the agency (such as the adoption of the regional plan
18 and the enactment of implementing ordinances), the
19 scope of the judicial inquiry shall extend only to the
20 questions of whether the act or decision has been
21 arbitrary, capricious or lacking substantial evidentiary
22 support or whether the agency has failed to proceed in a
23 manner required by law.

24 (6) The provisions of this subdivision do not apply to
25 any legal proceeding pending on the date when this
26 subdivision becomes effective. Any such legal proceeding
27 shall be conducted and concluded under the provisions of
28 law which were applicable prior to the effective date of
29 this subdivision.

30 (7) The security required for the issuance of a
31 temporary restraining order or preliminary injunction
32 based upon an alleged violation of this compact or any
33 ordinance, plan, rule or regulation adopted pursuant
34 thereto is governed by the rule or statute applicable to
35 the court in which the action is brought unless the action
36 is brought by a public agency or political subdivision to
37 enforce its own rules, regulations and ordinances in which
38 case no security shall be required.

39 (k) The agency shall monitor activities in the region
40 and may bring enforcement actions in the region to

1 ensure compliance with the regional plan and adopted
2 ordinances, rules, regulations and policies. If it is found
3 that the regional plan, or ordinances, rules, regulations
4 and policies are not being enforced by a local jurisdiction,
5 the agency may bring action in a court of competent
6 jurisdiction to ensure compliance.

7 (l) Any person who violates any provision of this
8 compact or of any ordinance or regulation of the agency
9 or of any condition of approval imposed by the agency is
10 subject to a civil penalty not to exceed five thousand
11 dollars (\$5,000). Any such person is subject to an
12 additional civil penalty not to exceed five thousand
13 dollars (\$5,000) per day, for each day on which such a
14 violation persists. In imposing the penalties authorized by
15 this subdivision, the court shall consider the nature of the
16 violation and shall impose a greater penalty if it was
17 willful or resulted from gross negligence than if it resulted
18 from inadvertence or simple negligence.

19 (m) The agency is hereby empowered to initiate,
20 negotiate and participate in contracts and agreements
21 among the local governmental authorities of the region,
22 or any other intergovernmental contracts or agreements
23 authorized by state or federal law.

24 (n) Each intergovernmental contract or agreement
25 shall provide for its own funding and staffing, but this shall
26 not preclude financial contributions from the local
27 authorities concerned or from supplementary sources.

28 (o) Every record of the agency, whether public or not,
29 shall be open for examination to the Legislature and
30 Controller of the State of California and the Legislative
31 Auditor of the State of Nevada.

32 (p) Approval by the agency of any project expires 3
33 years after the date of final action by the agency or the
34 effective date of the amendments to this compact,
35 whichever is later, unless construction is begun within
36 that time and diligently pursued thereafter, or the use or
37 activity has commenced. In computing the 3-year period
38 any period of time during which the project is the subject
39 of a legal action which delays or renders impossible the
40 diligent pursuit of that project shall not be counted. Any

1 license, permit or certificate issued by the agency which
2 has an expiration date shall be extended by that period of
3 time during which the project is the subject of such legal
4 action as provided in this subdivision.

5 (q) The governing body shall maintain a current list of
6 real property known to be available for exchange with the
7 United States or with other owners of real property in
8 order to facilitate exchanges of real property by owners
9 of real property in the region.

10
11 ARTICLE VII. ENVIRONMENTAL IMPACT
12 STATEMENTS
13
14

15 (a) The Tahoe Regional Planning Agency when acting
16 upon matters that have a significant effect on the
17 environment shall:

18 (1) Utilize a systematic, interdisciplinary approach
19 which will insure the integrated use of the natural and
20 social sciences and the environmental design arts in
21 planning and in decisionmaking which may have an
22 impact on man's environment;

23 (2) Prepare and consider a detailed environmental
24 impact statement before deciding to approve or carry out
25 any project. The detailed environmental impact
26 statement shall include the following:

27 (A) The significant environmental impacts of the
28 proposed project;

29 (B) Any significant adverse environmental effects
30 which cannot be avoided should the project be
31 implemented;

32 (C) Alternatives to the proposed project;

33 (D) Mitigation measures which must be implemented
34 to assure meeting standards of the region;

35 (E) The relationship between local short-term uses of
36 man's environment and the maintenance and
37 enhancement of long-term productivity;

38 (F) Any significant irreversible and irretrievable
39 commitments of resources which would be involved in
40 the proposed project should it be implemented; and

1 (G) The growth-inducing impact of the proposed
2 project;

3 (3) Study, develop and describe appropriate
4 alternatives to recommended courses of action for any
5 project which involves unresolved conflicts concerning
6 alternative uses of available resources;

7 (4) Make available to states, counties, municipalities,
8 institutions and individuals, advice and information
9 useful in restoring, maintaining and enhancing the
10 quality of the region's environment; and

11 (5) Initiate and utilize ecological information in the
12 planning and development of resource-oriented projects.

13 (b) Prior to completing an environmental impact
14 statement, the agency shall consult with and obtain the
15 comments of any federal, state or local agency which has
16 jurisdiction by law or special expertise with respect to any
17 environmental impact involved. Copies of such
18 statement and the comments and views of the
19 appropriate federal, state and local agencies which are
20 authorized to develop and enforce environmental
21 standards shall be made available to the public and shall
22 accompany the project through the review processes.
23 The public shall be consulted during the environmental
24 impact statement process and views shall be solicited
25 during a public comment period not to be less than 60
26 days.

27 (c) Any environmental impact statement required
28 pursuant to this article need not repeat in its entirety any
29 information or data which is relevant to such a statement
30 and is a matter of public record or is generally available
31 to the public, such as information contained in an
32 environmental impact report prepared pursuant to the
33 California Environmental Quality Act or a federal
34 environmental impact statement prepared pursuant to
35 the National Environmental Policy Act of 1969. However,
36 such information or data shall be briefly described in the
37 environmental impact statement and its relationship to
38 the environmental impact statement shall be indicated.

39 In addition, any person may submit information
40 relative to a proposed project which may be included, in

1 whole or in part, in any environmental impact statement
2 required by this article.

3 (d) In addition to the written findings specified by
4 agency ordinance to implement the regional plan, the
5 agency shall make either of the following written findings
6 before approving a project for which an environmental
7 impact statement was prepared:

8 (1) Changes or alterations have been required in or
9 incorporated into such project which avoid or reduce the
10 significant adverse environmental effects to a less than
11 significant level; or

12 (2) Specific considerations, such as economic, social or
13 technical, make infeasible the mitigation measures or
14 project alternatives discussed in the environmental
15 impact statement on the project.

16 A separate written finding shall be made for each
17 significant effect identified in the environmental impact
18 statement on the project. All written findings must be
19 supported by substantial evidence in the record.

20 (e) The agency may charge and collect a reasonable
21 fee from any person proposing a project subject to the
22 provisions of this compact in order to recover the
23 estimated costs incurred by the agency in preparing an
24 environmental impact statement under this article.

25 (f) The agency shall adopt by ordinance a list of classes
26 of projects which the agency has determined will not
27 have a significant effect on the environment and
28 therefore will be exempt from the requirement for the
29 preparation of an environmental impact statement under
30 this article. Prior to adopting the list, the agency shall
31 make a written finding supported by substantial evidence
32 in the record that each class of projects will not have a
33 significant effect on the environment.

34
35 ARTICLE VIII. FINANCES
36
37

38 (a) On or before September 30 of each calendar year
39 the agency shall establish the amount of money necessary
40 to support its activities for the next succeeding fiscal year

1 commencing July 1 of the following year. The agency
2 shall apportion seventy-five thousand dollars (\$75,000) of
3 this amount among the counties within the region on the
4 same ratio to the total sum required as the full cash
5 valuation of taxable property within the region in each
6 county bears to the total full cash valuation of taxable
7 property within the region. In addition, each county
8 within the region in California shall pay eighteen
9 thousand seven hundred fifty dollars (\$18,750) to the
10 agency and each county within the region in Nevada,
11 including Carson City, shall pay twelve thousand five
12 hundred dollars (\$12,500) to the agency, from any funds
13 available therefor. The State of California and the State
14 of Nevada may pay to the agency by July 1, of each year
15 any additional sums necessary to support the operations
16 of the agency pursuant to this compact. If additional funds
17 are required, the agency shall make a request for the
18 funds to the States of California and Nevada. Requests for
19 state funds must be apportioned two-thirds from
20 California and one-third from Nevada. Money
21 appropriated shall be paid within 30 days.

22 (b) The agency may fix and collect reasonable fees for
23 any services rendered by it.

24 (c) The agency shall submit an itemized budget to the
25 states for review with any request for state funds, shall be
26 strictly accountable to any county in the region and the
27 states for all funds paid by them to the agency and shall
28 be strictly accountable to all participating bodies for all
29 receipts and disbursement.

30 (d) The agency is authorized to receive gifts,
31 donations, subventions, grants, and other financial aids
32 and funds; but the agency may not own land except as
33 provided in subdivision (i) of Article III.

34 (e) The agency shall not obligate itself beyond the
35 moneys due under this article for its support from the
36 several counties and the states for the current fiscal year,
37 plus any moneys on hand or irrevocably pledged to its
38 support from other sources. No obligation contracted by
39 the agency shall bind either of the party states or any
40 political subdivision thereof.



ARTICLE IX. TRANSPORTATION DISTRICT

~~(a) The Tahoe transportation district is hereby established as a special purpose district. The boundaries of the district are coterminous with those of the region.~~

~~(b) The business of the district shall be managed by a board of directors consisting of:~~

~~(1) One member of the county board of supervisors of each of the counties of El Dorado and Placer;~~

~~(2) One member of the city council of the City of South Lake Tahoe;~~

~~(3) One member each of the board of county commissioners of Douglas County and of Washoe County;~~

~~(4) One member of the board of supervisors of Carson City.~~

~~(e) The vote of at least four of the directors must agree to take action. If at least four votes in favor of an action are not cast, an action of rejections shall be deemed to have been taken.~~

~~(d) The Tahoe transportation district may by resolution establish procedures for the adoption of its budgets, the appropriation of its money and the carrying on of its other financial activities. These procedures must conform insofar as is practicable to the procedures for financial administration of the State of California or the State of Nevada or one or more of the local governments in the region.~~

~~(e) The Tahoe transportation district may in accordance with the adopted transportation plan:~~

~~(1) Own and operate a public transportation system to the exclusion of all other publicly owned transportation systems in the region.~~

~~(2) Acquire upon mutually agreeable terms any public transportation system or facility owned by a county, city or special purpose district or any privately owned transportation system or facility within the region.~~

~~(3) Hire the employees of existing public transportation systems that are acquired by the district without loss of benefits to the employees, bargain~~

1 collectively with employee organizations, and extend
2 pension and other collateral benefits to employees.

3 (4) Contract with private companies to provide
4 supplementary transportation or provide any of the
5 services needed in operating a system of transportation
6 for the region.

7 (5) Fix the rates and charges for transit services
8 provided pursuant to this subdivision.

9 (6) Issue revenue bonds and other evidence of
10 indebtedness and make other financial arrangements
11 appropriate for developing and operating a public
12 transportation system.

13 (7) By resolution, determine and propose for adoption
14 a tax for the purpose of obtaining services of the district.
15 The tax proposed must be general and of uniform
16 operation throughout the region, and may not be
17 graduated in any way, except for a sales and use tax which,
18 if approved by the voters, may be administered through
19 the States of California and Nevada respectively in
20 accordance with the laws that apply within their
21 respective jurisdictions. The district is prohibited from
22 imposing any other tax measured by gross or net receipts
23 on business, an ad valorem tax, a tax or charge that is
24 assessed against people or vehicles as they enter or leave
25 the region, and any tax, direct or indirect, on gaming
26 tables and devices. Any such proposition must be
27 submitted to the voters of the district and shall become
28 effective upon approval of a majority of the voters voting
29 on the proposition. The revenues from any such tax must
30 be used for the services for which it was imposed, and for
31 no other purpose.

32 (8) Provide service from inside the region to
33 convenient airport, railroad and interstate bus terminals
34 without regard to the boundaries of the region.

35 (f) The Legislatures of the States of California and
36 Nevada may, by substantively identical enactments,
37 amend this article.

38 (a) *The Tahoe Transportation District is hereby*
39 *established as a special purpose district authorized and*
40 *operating under the federal authority provided by Public*

1 Law 96-551. The boundaries of the district are
2 conterminous with those of the region as established
3 under Public Law 96-551 for the Tahoe Regional Planning
4 Agency.

5 (b) The business of the district shall be managed by a
6 board of directors consisting of the following members:

7 (1) The following nine voting members:

8 (A) One member of the Board of Supervisors of each
9 of the Counties of El Dorado and Placer appointed by the
10 respective board of supervisors.

11 (B) One member of the City Council of South Lake
12 Tahoe appointed by the city council.

13 (C) One member each of the Board of County
14 Commissioners of Douglas County and Washoe County
15 appointed by the respective board of county
16 commissioners.

17 (D) One member of the Board of Supervisors of
18 Carson City appointed by the board of supervisors.

19 (E) One member of the South Shore Transportation
20 Management Association appointed by the association.

21 (F) One member of the North Shore Transportation
22 Management Association appointed by the association.

23 (G) One at-large member, who shall be elected by a
24 majority of the other voting members. The at-large
25 member shall represent a major public or private transit
26 provider in the region.

27 (2) The Director of the California Department of
28 Transportation and the Nevada Department of
29 Transportation shall each serve as ex-officio members of
30 the board of directors and shall have the right to designate
31 an alternate. The directors or their alternates are
32 encouraged to regularly attend board meetings and to
33 provide technical and professional advice to the district
34 where necessary and appropriate.

35 (c) Any appointing body may designate an alternate.

36 (d) The vote of at least five of the nine voting directors
37 shall be required for the district to take any action. If at
38 least five votes in favor of an action are not cast, an action
39 of rejection shall be deemed to have been taken.

1 (e) The district may by resolution establish
2 procedures for the adoption of its budgets, the
3 appropriation of money, and the carrying on of its other
4 financial activities. Those procedures shall conform
5 insofar as is practicable to the procedures for financial
6 administration of the State of California or the State of
7 Nevada or one or more of the local governments in the
8 district.

9 (f) The district may, in accordance with its adopted
10 transportation plan, do all of the following:

11 (1) Own and operate a public transportation system to
12 the exclusion of all other publicly owned transportation
13 systems in the region.

14 (2) Own and operate support facilities for public or
15 private transportation systems, including, but not limited
16 to, parking lots, maintenance facilities, terminals, and
17 related equipment, including revenue collection devices.

18 (3) Acquire and enter into agreements to operate
19 upon mutually acceptable terms any public or private
20 transportation system or facility within the region.

21 (4) Hire the employees of existing public
22 transportation systems that are acquired by the district,
23 without loss of benefits to the employees, bargain
24 collectively with the employees, and extend pension and
25 other collateral benefits to employees.

26 (5) Fix the rates and charges for transportation
27 services provided pursuant to this article.

28 (6) Issue revenue bonds and other evidence of
29 indebtedness and make other financial arrangements
30 appropriate for developing and operating a public
31 transportation system.

32 (7) Contract with private companies to provide
33 supplementary transportation or provide any of the
34 services needed in operating a system of transportation
35 for the region.

36 (8) Contract with local governments in the region to
37 operate transportation facilities and services under
38 mutually agreeable terms and conditions.

39 (9) By resolution, determine and propose for adoption
40 a tax for the purpose of obtaining services of the district.

The proposed tax shall be of general and of uniform operation throughout the region and may not be graduated in any way, except for a sales and use tax that, if approved by the voters, may be administered through the State of California and the State of Nevada, respectively, in accordance with the laws that apply within their respective jurisdictions. The district is prohibited from imposing an ad valorem tax, a tax measured by gross or net receipts on business, and any tax, direct or indirect, on gaming tables and devices. Any such proposition shall be submitted to the voters of the district and shall become effective upon approval by a majority of the voters voting on the proposition. The revenues from the tax shall be used for the services for which it was imposed and for no other purpose.

(10) Provide services from inside the region to convenient airport, railroad, and bus terminals without regard to the boundaries of the region.

(11) If the Legislature of the State of California or the State of Nevada authorizes the creation of local transportation districts at Lake Tahoe, these local districts shall be entitled to a voting seat on the board of directors. Prior to assuming that seat, the local district and the district shall agree in writing on the allocation of fiscal and policy responsibilities between the two entities, including, but not limited to, the distribution of any voter-approved revenues. If a seat is assumed under this subdivision, the voting requirements under subdivision (e) shall be deemed adjusted by operation of law to require a majority vote to take action.

(12) The Legislature of the State of California and the Legislature of the State of Nevada may, by substantially identical enactments, amend this article.

ARTICLE X. MISCELLANEOUS

(a) It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. Except as provided in subdivision

1 (c), the provisions of this compact shall be severable and
2 if any phrase, clause, sentence or provision of this
3 compact is declared to be contrary to the constitution of
4 any participating state or of the United States or the
5 applicability thereof to any government, agency, person
6 or circumstance is held invalid, the validity of the
7 remainder of this compact and the applicability thereof
8 to any government, agency, person or circumstance shall
9 not be affected thereby. If this compact shall be held
10 contrary to the constitution of any state participating
11 therein, the compact shall remain in full force and effect
12 as to the remaining state and in full force and effect as to
13 the state affected as to all severable matters.

14 (b) The agency shall have such additional powers and
15 duties as may hereafter be delegated or imposed upon it
16 from time to time by the action of the Legislature of
17 either state concurred in by the Legislature of the other.

18 (c) A state party to this compact may withdraw
19 therefrom by enacting a statute repealing the compact.
20 Notice of withdrawal shall be communicated officially
21 and in writing to the Governor of the other state and to
22 the agency administrators. This provision is not severable,
23 and if it is held to be unconstitutional or invalid, no other
24 provision of this compact shall be binding upon the State
25 of Nevada or the State of California.

26 (d) No provision of this compact shall have any effect
27 upon the allocation, distribution or storage of interstate
28 waters or upon any appropriative water right.
29

